

MAIL STOP PCT

ATTORNEY'S DOCKET NUMBER: 26589U

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: 18 FEBRUARY 2005 (18.02.2005)
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NUMBER (if known): Not Yet Assigned
INTERNATIONAL APPLICATION NUMBER: PCT/EP2003/009601	INTERNATIONAL FILING DATE: 29 AUGUST 2003 (29.08.2003)	PRIORITY DATE CLAIMED: 29 AUGUST 2002 (29.08.2002) EP
TITLE OF INVENTION: 3-HYDROXY-6-PHENYLPHENANTHRIDINES AS PDE4 INHIBITORS		
APPLICANT(S) FOR DO/EO/US: Ulrich KAUTZ; Beate SCHMIDT		

Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 USC 371(f)) The submission must include items(5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)):
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not transmitted by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825
18. ☐ A second copy of the published international application under 35 USC 154(d)(4)
19. ☐ A second copy of the English language translation of the international application under 35 USC 154(d)(4)
20. ☒ Other items or information:  
TRANSMITTAL LETTER; APPLICATION DATA SHEET; TRANSMITTAL LETTER TO U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING FILING UNDER 35 U.S.C. 371; INTERNATIONAL PUBLICATION NUMBER: WO 2004/019945 A1, WITH INTERNATIONAL SEARCH REPORT (PCT/ISA/210), INTERNATIONAL PUBLICATION DATE: 11 MARCH 2004 (11.03.2004), WHICH CONSISTS OF 40 PAGES: 1 PAGE OF THE COVER SHEET CONTAINING THE ABSTRACT, 33 PAGES OF TEXTUAL SPECIFICATION WITH EMBEDDED FORMULAS, 6 PAGES OF 18 CLAIMS, PRELIMINARY AMENDMENT WITH APPENDIX A AND B TO BE EXAMINED; PCT/RO/101 PCT REQUEST WITH EXECUTED INVENTOR'S DECLARATION; EXECUTED ASSIGNMENT WITH A RECORDATION COVER SHEET; PCT/IPEA/409 INTERNATIONAL PRELIMINARY EXAMINATION REPORT; PCT/IB/304 NOTIFICATION CONCERNING SUBMISSION OR TRANSMITTAL OR PRIORITY DOCUMENT; PCT/IB/308 NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES; PCT/IB/332 INFORMATION CONCERNING ELECTED OFFICES NOTIFIED OF THEIR ELECTION; POSTCARD FOR EARLY NOTIFICATION OF SERIAL NUMBER.

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U.S. APPLICATION NUMBER: (If known) Not Yet Assigned <b>10/524820</b>		INTERNATIONAL APPLICATION NUMBER: PCT/EP2003/009601		DATE: 18 FEBRUARY 2005 (18.02.2005)	
17. <input checked="" type="checkbox"/> The following fees are submitted:				<u>CALCULATIONS</u>	<u>PTO USE ONLY</u>
<b>Basic National Fee (37 CFR 1.492(a)(1)-(5):</b> (to include Basic National Stage Fee, National Stage Search Fee, and National Stage Examination Fee)				\$ 1,000.00	
International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$750.00					
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$790.00					
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1,110.00					
International preliminary examination fee (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) IPEA-U.S.....\$ 100.00				\$ 1,000.00	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>					
Surcharge of \$130.00 for furnishing the oath or declaration later than ____ 20 ____ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 0.00	
CLAIMS	NUMBER: FILED	NUMBER: EXTRA	RATE		
TOTAL	16-20=	0	X \$ 50.00	\$ 0.00	
INDEPENDENT	1- 3=	0	X \$ 200.00	\$ 0.00	
Multiple dependent claims(s) (if applicable)			+ \$360.00	\$ 0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,000.00	
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$ 0.00	
<b>SUBTOTAL =</b>				\$ 1,000.00	
Processing fee of \$130.00 for furnishing the English translation later than ____ 20 ____ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$ 0.00	
<b>TOTAL NATIONAL FEE =</b>				\$ 1,000.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 40.00	
<b>TOTAL FEES</b>				\$ 1,040.00	
<b>ENCLOSED =</b>					
				Amount to be: refunded	\$
				charged	\$

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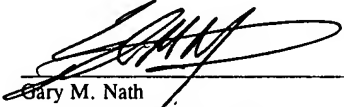
- a. ☒ One check in the amount of \$ 1,040.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account Number: 14-0112 in the amount of \$ \_\_\_\_\_ to cover the above fees. (A duplicate copy of this sheet is enclosed.)
- c. ☒ The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account Number: 14-0112.
- d. Fees are to be charged to a credit card ☐ WARNING: Information on this form may become public ☐ Credit Card Information should not be included on this form. ☐ Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

Gary M. Nath  
NATH & ASSOCIATES PLLC  
1030 15<sup>th</sup> Street, N.W.  
Sixth Floor  
Washington, D.C. 20005-1503

(202) 775-8383 (phone)  
(202) 775-8396 (fax)

  
Gary M. Nath  
Registration Number 26,965  
Sheldon M. McGee  
Registration Number 50,454  
Customer Number 34375

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/524820

In re Application of:

KAUTZ, et al.

International Application Number: PCT/EP2003/009601

Serial Number: NOT YET ASSIGNED

International Filing Date: 29 August 2003 (29.08.2003)

Filed: February 18, 2005

Title: 3-HYDROXY-6-PHENYLPHENANTHRIDINES AS PDE4 INHIBITORS

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Application Data Sheet;
- (3) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- (4) International Publication Number: WO 2004/019945 A1, with International Search Report (PCT/ISA/210), International Publication Date: 11 March 2004 (11.03.2004), which consists of 40 pages:
  - 1 Page of the Cover Sheet,
  - 33 Pages of Textual Specification with embedded formulas,
  - 6 Pages of 18 Claims;
- (5) Preliminary Amendment with Appendix A and B to be Examined;
- (6) PCT/RO/101 PCT Request with Executed Inventor's Declaration;
- (7) Executed Assignment with a Recordation Cover Sheet;
- (8) PCT/IPEA/409 International Preliminary Examination Report;
- (9) PCT/IB/304 Notification Concerning Submission or Transmittal of Priority Document;
- (10) PCT/IB/308 Notice Informing the Applicant of the Communication of the International Application to the Designated Offices;
- (11) PCT/IB/332 Information Concerning Elected Offices Notified of Their Election;
- (12) Check Number: 22626 in the amount of \$ 1,040.00 for basic filing fee as a large entity, search fee, examination fee, and recordation of the assignment fee;
- (13) Postcard for early notification of serial number.

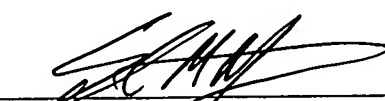
Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: February 18, 2005

NATH & ASSOCIATES PLLC  
1030<sup>th</sup> Street, N.W., 6<sup>th</sup> Floor  
Washington, D.C. 20005-1503  
(202) 775-8383

By:

  
Gary M. Nath  
Registration Number 26,965  
Sheldon M. McGee  
Registration Number 50,454  
Customer Number 34375